

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Eijsackers et al.

Title: PACKAGE WITH PARTLY FOAMABLE LIQUID BY MEANS OF  
WHICH A REFRESHMENT CAN BE PREPARED

Appl. No.: 10/565,946

International Filing Date: 7/22/2004  
371(c) Date: 7/19/2006

Examiner: Smith, Preston

Art Unit: 1782

Confirmation Number: 8305

**ISSUE FEE TRANSMITTAL**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed herewith please find Issue Fee Transmittal Form PTOL-85(B).

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

The Examiner stated the following:

The closest prior art of record, Frank Brady, US-Patent 5,939,122 and Jurgen Zimmermann, US-Patent 4,306,492 fail to teach or render obvious a flexible package having at least two chambers wherein the flexible package is distorted to force fluid flow between a channel or "fluid flow disturber" located between the chambers in order to create foam.

While the Applicant agrees that the allowed claims recite a combination of subject matter that is patentable over the cited references, the Applicant does not necessarily agree with or acquiesce in the statement of reasons for allowance given by the Examiner. Moreover, the Applicant notes that the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons than those given by the Examiner. The Applicant expressly reserves the right to set forth additional and/or alternative reasons for patentability and/or allowance in connection with the present Application or in any other future proceeding.

**REMARKS**

These Comments on Statement of Reasons for Allowance under 37 C.F.R. § 1.104 are intended to be responsive to the Notice of Allowance dated April 15, 2010.

Fees in the amount of \$1,810.00 for payment of the Issue Fee and the Publication Fee are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date           /07-09-2010/          

By           /Matthew J. Swietlik/          

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